



General Assembly

February Session, 2006

Raised Bill No. 514

LCO No. 2318

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Referred to Committee on Transportation

Introduced by:
(TRA)

***AN ACT CONCERNING THE REGISTRATION OF MOTOR VEHICLES
IN LIVERY SERVICE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13b-103 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) (1) No person, association, limited liability company or
4 corporation shall operate a motor vehicle in livery service until such
5 person, association, limited liability company or corporation has
6 obtained a permit from the Department of Transportation, specifying
7 the nature and extent of the service to be rendered and certifying that
8 public convenience and necessity will be improved by the operation
9 and conduct of such livery service. Such permits shall be issued only
10 after a written application for the same has been made and a public
11 hearing has been held thereon. Upon receipt of such application,
12 together with the payment of a fee of two hundred dollars, the
13 department shall fix a time and place of hearing thereon, within a
14 reasonable time, and shall promptly give written notice of the
15 pendency of such application and of the time and place of such
16 hearing to each applicant, the mayor of each city, the warden of each

17 borough and the first selectman of each town, within which any such
18 applicant desires to maintain an office or headquarters, to any carrier
19 legally operating motor vehicles in livery service within the same
20 territory and to other interested parties as determined by the
21 department. (2) Notwithstanding the provisions of subdivision (1) of
22 this subsection, the department may issue a permit for the operation of
23 vehicles (A) having a capacity of less than eleven adults or to be used
24 exclusively at funerals, weddings, christenings, processions or
25 celebrations, without holding a hearing and certifying that public
26 convenience and necessity would be improved by the operation of
27 such vehicles, or (B) having a capacity of not less than eleven or more
28 than fourteen adults and used for sightseeing and related purposes,
29 without holding a hearing, provided the department issues a legal
30 notice, as provided under section 1-2, of such application and no
31 objection is filed with the department within thirty days of publication
32 of such notice. (3) Notwithstanding the provisions of subdivision (1) of
33 this subsection, the department may issue a temporary or permanent
34 permit to any person, association, limited liability company or
35 corporation operating a motor vehicle engaged in the transportation of
36 passengers for hire by virtue of a contract with, or a lower tier contract
37 for, any federal, state or municipal agency that (A) is in effect on July 1,
38 1997, with or without hearing, after a written application for the same
39 has been made and the department has determined that the applicant
40 meets the requirements of subsection (b) of this section except with
41 respect to public convenience and necessity, or (B) becomes effective
42 after July 1, 1997, with or without hearing, after a written application
43 for the same has been made and the department has determined that
44 the applicant meets the requirements of subsection (b) of this section.
45 Any such permit issued under the provisions of this subdivision (i)
46 shall be limited to service provided under any such contract, and (ii)
47 with respect to any contract under the provisions of subparagraph (A)
48 of this subdivision, shall not authorize a total number of motor
49 vehicles exceeding the number required to provide service existing
50 under such contract on July 1, 1997. (4) Notwithstanding the

51 provisions of subdivision (1) of this subsection, the department shall
52 issue to any person who has an intrastate livery permit for at least one
53 year, upon the application of such person, up to two additional vehicle
54 authorizations each year without a hearing and without written notice
55 of the pendency of the application, if all the existing permits held by
56 such person are registered and in use and if there are no outstanding
57 violations or matters pending adjudication against such person. The
58 department shall have thirty calendar days to issue such amended
59 permit.

60 (b) In determining whether or not such a permit will be granted, the
61 Department of Transportation shall take into consideration the present
62 or future public convenience and necessity for the service the applicant
63 proposes to render, the suitability of the applicant or the suitability of
64 the management if the applicant is a limited liability company or
65 corporation, the financial responsibility of the applicant, the ability of
66 the applicant efficiently and properly to perform the service for which
67 authority is requested and the fitness, willingness and ability of the
68 applicant to conform to the provisions of this chapter and the
69 requirements and regulations of the department under this chapter.

70 (c) Any interested party may bring a written petition to the
71 Department of Transportation in respect to fares, service, operation or
72 equipment, or the convenience, protection and safety of the public
73 with regard to any carrier operating a motor vehicle in livery service.
74 Thereupon, the department may fix a time and place for a hearing
75 upon such petition and give notice thereof. No permit shall be sold or
76 transferred until the department, upon written application to it setting
77 forth the purpose, terms and conditions thereof and accompanied by a
78 fee of two hundred dollars, after investigation, approves the same. The
79 department may amend or, for sufficient cause shown, may suspend
80 or revoke any such permit. The department may impose a civil penalty
81 on any person or any officer of any association, limited liability
82 company or corporation who violates any provision of this chapter or
83 any regulation adopted under section 13b-102 with respect to fares,

84 service, operation or equipment, in an amount not to exceed one
 85 thousand dollars per day for each violation. Prior to the imposition of a
 86 civil penalty under this subsection, the department shall provide notice
 87 to said person or officer no later than fifteen business days after receipt
 88 of information concerning an alleged violation and shall provide an
 89 opportunity for a hearing.

90 (d) The owner or operator of each motor vehicle in livery service
 91 shall display in such vehicle such permit or a memorandum thereof.

92 (e) Any person who holds him or herself out to be the operator of a
 93 motor vehicle in livery service who has not received a permit under
 94 this section or with the intent to injure or defraud another shall be
 95 guilty of a class B misdemeanor.

96 (f) The permittee of any vehicle with a seating capacity of fifteen or
 97 fewer that is authorized to provide livery service under this section
 98 may choose to register such vehicle as a motor vehicle in livery service.

99 Sec. 2. Subsection (b) of section 13b-102 of the general statutes is
 100 repealed and the following is substituted in lieu thereof (*Effective*
 101 *October 1, 2006*):

102 (b) Each person, association, limited liability company or
 103 corporation operating a motor vehicle by virtue of authorization issued
 104 by the Federal Highway Administration for charter and special
 105 operation shall register such authorization for interstate operation with
 106 the Department of Transportation if such person, association, limited
 107 liability company or corporation maintains a domicile or principal
 108 office in the state. A vehicle operated by virtue of authorization issued
 109 by the Federal Highway Administration may be registered as a motor
 110 vehicle in livery service if it has a seating capacity of fifteen or fewer.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2006 | 13b-103 |

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| Section 1 | October 1, 2006 | 13b-103 |
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| Sec. 2 | October 1, 2006 | 13b-102(b) |
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Statement of Purpose:

To clarify registration procedures for vehicles used for livery service.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]